



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	17 March 2016
Licensing Ref No:	15/12083/LIPV - Premises Licence Variation
Title of Report:	Purl London Basement 50-54 Blandford Street London
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	23 December 2015		
Applicant:	LUCKYBGP Limited		
Premises:	Purl London		
Premises address:	Basement 50-54 Blandford Street London W1U 7HX	Ward:	Marylebone High Street
		Cumulative Impact Area:	None
Premises description:	This premises is currently licensed and the sale of alcohol is ancillary to a table meal.		
Variation description:	<p>The applicant states that the four areas for variation are proposed:</p> <p>Clarification of the Permitted Hours To extend the Opening Hours by 30 minutes to allow for an orderly dispersal Revise & update the conditions outlined in the operating schedule Update the Premises Licence Holders registered address</p> <p>The applicant states that 'while no change in the terminal hours of licensable activities is sought, the variation seeks to clarify the permitted hours to resolve the confusion which arises between the stated hours and the hours stipulated within the existing condition 14 on the current licence.</p> <p>The variation to the Operating (Opening) Hours at the premises seeks to extend these by 30 minutes on each day, so that patrons are to leave within 30 minutes of the terminal hour for any licensable activity. The application states this is standard practice and allows for an orderly dispersal from the premises.</p> <p>The applicant further states that the proposed changes to the conditions would remove the need for alcohol consumption to be limited to consumption with food as per a restaurant. It is asserted that this change would be mitigated by presenting a new set of updated conditions in-line with current best practice.</p> <p>The conditions which the applicant proposed to remove or replace have been identified in Appendix 4 to this report.</p>		
Premises licence history:	This premises is currently licensed under premises licence 13/08250/LIPT. Please refer to Appendix 3 for a full licence history.		
Applicant submissions:	The applicant wrote to all the residents to try and address their concerns however the residents did not respond to the applicant's letter. Please see Appendix 2 for a copy of the letter sent out by the applicant.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Provision of Facilities for Dancing						
<i>Note: this is no longer a licensable activity and shall be removed from the licence upon determination.</i>						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	19:00	23:30	No variation applied for		Basement is licensed	No variation applied for
Tuesday	19:00	23:30				
Wednesday	19:00	23:30				
Thursday	19:00	23:30				
Friday	19:00	00:00				
Saturday	19:00	00:00				
Sunday	19:00	22:30				
Seasonal variations:	Current:				Proposed:	
	N/A				N/A	
Non-standard timings:	Current:				Proposed:	
	N/A				From the start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	

Recorded Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	17:00	23:30	No variation applied for		Basement is licensed	No variation applied for
Tuesday	17:00	23:30				
Wednesday	17:00	23:30				
Thursday	17:00	23:30				
Friday	17:00	00:00				
Saturday	17:00	00:00				
Sunday	17:00	22:30				
Seasonal variations:	Current:				Proposed:	
	N/A				N/A	
Non-standard timings:	Current:				Proposed:	
	N/A				From the start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No variation applied for	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No variation applied for		Basement is licensed	No variation applied for
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	23:30				
Friday	23:00	00:00				
Saturday	23:00	00:00				
Sunday	N/A					
Seasonal variations:	Current:				Proposed:	
	N/A				N/A	
Non-standard timings:	Current:				Proposed:	
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				From the start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	

Sale by Retail of Alcohol						
On or off sales			Current : On		Proposed: No variation applied for	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	17:00	23:30	12:00	23:30	Basement is licensed	No variation applied for
Tuesday	17:00	23:30	12:00	23:30		
Wednesday	17:00	23:30	12:00	23:30		
Thursday	17:00	23:30	12:00	23:30		
Friday	17:00	00:00	12:00	00:00		
Saturday	17:00	00:00	12:00	00:00		
Sunday	17:00	22:30	12:00	22:30		
Seasonal variations:	Current:				Proposed:	
	N/A				N/A	
Non-standard timings:	Current:				Proposed:	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 st December).				From the start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	17:00	23:30	12:00	00:00		
Tuesday	17:00	23:30	12:00	00:00		

Wednesday	17:00	23:30	12:00	00:00	Basement is licensed	No variation applied for
Thursday	17:00	23:30	12:00	00:00		
Friday	17:00	00:00	12:00	00:30		
Saturday	17:00	00:00	12:00	00:30		
Sunday	17:00	22:30	12:00	23:00		
Seasonal variations:	Current:				Proposed:	
	N/A				N/A	
Non-standard timings:	Current:				Proposed:	
	N/A				From the start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	

1-C Layout alteration

There is no variation to the layout.

1-D Conditions being varied, added or removed

Please refer to Appendix 4 for a full list of conditions being removed and added.

Adult entertainment:	Current position:	Proposed position:
	Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.	The applicant is seeking to remove this condition as part of this application.

2. Representations

2-A Responsible Authorities

Responsible Authority:	Metropolitan Police Service
Representative:	PC Adam Deweltz
Received:	7 th January 2016
Status:	Withdrawn

Representation from the Metropolitan Police:

With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

I have looked over your door supervisor condition and the one currently on the licence.

I would be happy to simplify the condition to:

On Thursdays, Fridays and Saturdays from 20:00 a minimum of 1 SIA licensed door supervisor shall be on duty at the premises until all customers have left and dispersed from the area immediately to the front of the premises.

The rest of operating schedule I am happy with.

I look forward to your prompt response.

Many thanks

Response from applicant:

Thank you for taking the time to discuss this with me earlier today.

Subject to the police making no representation against that application, we would be happy to replace our proposed Condition H (inclusive of its parts a, b, c & d) with the condition you have suggested:

On Thursdays, Fridays and Saturdays from 20:00 a minimum of 1 SIA licensed door supervisor shall be on duty at the premises until all customers have left and dispersed from the area immediately to the front of the premises.

Thank you for your assistance with this matter.

Kind regards

Peter

Note: the police withdrew their representation following the applicant's agreement above.

Responsible Authority:	Environmental Health Service
Representative:	Dave Nevitt
Received:	20 th January 2016

I refer to the above application which seeks to vary Premises Licence 13/08250/LIPT to include the following (as described by the applicant):

Four areas for variation are proposed:

- *Clarification of the Permitted Hours*
- *To extend the Opening Hours by 30 minutes to allow for an orderly dispersal*
- *Revise & update the conditions outlined in the operating schedule*
- *Update the Premises Licence Holder's registered address*

While no change in the terminal hours of licensable activities is sought, the variation seeks to clarify the permitted hours to resolve the confusion which arises between the stated hours and the hours stipulated within the existing condition 14 on the current licence. By way of compromise this application seeks to take the hours outlined in condition 14, maintain the existing terminal hour and deliver a compromise on the start time for the sale of alcohol from 12.00 each day; which would be reasonable for this type premises. Essentially compromising between the two set of hours outlined on the existing licence which contradict each other. The variation to the Operating (Opening) Hours at the premises seeks to extend these by 30 minutes on each day, so that patrons are to leave within 30 minutes of the terminal hour for any licensable activity. This is standard practice and allows for an orderly dispersal from the

premises. The proposed changes to the conditions would remove the need for alcohol consumption to be limited to 'consumption with food' as per a Restaurant. This change would be mitigated by presenting a new set of updated conditions in-line with current best practice. By updating the existing set of conditions where appropriate, the variations seeks to simplify the licence in order to make it more relevant to current best practice and more enforceable where appropriate.'

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

Should you wish to discuss the matter further please do not hesitate to contact me.

2-B Other Persons			
Name:		Gloria May	
Address and/or Residents Association:		26 Wendover Court Chiltern Street London W1U 7NT	
Status:	Outstanding	In support or opposed:	Opposed
Received:	8 th January 2016		
<p>I write to make a representation in respect of the above referenced application.</p> <p>My representation is submitted on the grounds that the likely effect of granting the application would be to harm the licensing objective of prevention of public nuisance and prevention of crime and disorder. I also object on the basis that granting this application will add to the 'cumulative impact' of existing premises in the area from which we experience nuisance (as per para 13.32 of the s182 Guidance).</p> <p>I and other residents feel that certain aspects of the application will have a disproportionate adverse effect on local residents and will add to the nuisance we already experience.</p> <p>Background I am a local resident who lives on Chiltern Street, just around the corner from the proposed premises.</p> <p>A previous application was submitted last year, ref: 15/05761/LIPV. That application sought:</p> <ul style="list-style-type: none"> * to vary the premises licence to extend the hour for licensable activities to midnight Monday-Thursday, 1am Friday-Saturday and 11pm Sunday. * to remove the requirement in condition 58 that the door supervisor should be SIA qualified. <p>A number of residents objected to this application. A hearing was listed and took place on 18 November 2015. Evidence submitted by the Environmental Health Consultation Team and questioning from the Chair of the Licensing Sub-Committee elicited that the premises had a restaurant licence but that their operation was as a bar, and did not comply fully with the licence conditions requiring that the sale of alcohol is ancillary to table meals. The Applicant still wanted to keep the extended opening hours but said they did not seek to remove condition 58. The Chair very sensibly adjourned the hearing for a short period to enable the applicant to go out and discuss the matter for ten minutes, and the entire application was subsequently withdrawn. The Applicant said he was 'looking to buy an oven' so pizzas could be served – free</p>			

to customers.

We subsequently attended a meeting with the Applicant, Mr Pieteron. He said he understood about the late nights and would not be applying for later hours. He accepted that this is a residential area and said he had been naïve to suggest staying open later. He also said he was changing his licence to make patrons leave from the Blandford Street rather than the Chiltern Street entrance late at night. He also said he was going to employ a security person who is a member of staff rather than somebody contracted out from a security firm – this will make for a better service. Both my neighbour Janet Lee and I told him we would be happy with all of this and we left on a friendly note

The current application

The pending application does seek a later terminal hour, 30 minutes later than at present. It also seeks to delete and/or amend numerous conditions of the licence. I will only comment on the aspects of the application which concern residents.

The premises currently benefit from a licence in line with the City Council's Policy HRS1 on hours. I do not consider that the application demonstrates any reasons why an extension of hours should be granted. Indeed, there are a number of good reasons why the application should be refused.

Prevention of public nuisance and prevention of crime and disorder

The small area comprising this part of Blandford Street and the cross roads with Chiltern Street already has a number of licensed premises which stay open until after residents have gone to bed and should be able to expect peace and quiet.

I would like to raise the following points:

- The terminal hour proposed is inappropriate for the area. We are already disturbed by noisy people leaving the Bok Bar and Il Baretto. Recently there is also the extra nuisance of Uber cabs idling in the vicinity in hopes of a fare.
- Customers leaving the premises and customers standing outside the premises already cause a noise nuisance and slamming cab and car doors.
- The application is outside the City Council's 'core hours' Policy.

Mr Pieteron has kept residents informed of his plans since the hearing in November 2015, which we appreciate, even if we are not in agreement with all of them. We have been given to understand by Mr Pieteron that the rationale for the request to extend the terminal hour is to allow for an orderly dispersal of customers, and because the licence has not had any significant changes since conversion. However, in 2006 the premises licence was varied to increase the hours for licensable activities. The application was granted in part, which is how the premises licence came to permit 'core hours' in line with the City Council's Policy on hours, HRS1. Policy HRS1 states that the times are for when customers are allowed to be on the premises. It is for the management to arrange dispersal and the terminal hour for the last sale of alcohol in order to have everybody off the premises by the end of 'core hours'. At the weekends, the terminal hour permitted on the current licence for sale of alcohol is an hour later than that permitted on conversion in 2005. On other days, the terminal hour for sale of alcohol is 30 minutes later. An additional 30 minutes each day for customers to depart is likely to add to public nuisance.

The reason why this is the case is that dispersal of customers becomes more difficult after core hours. This particular premises is not well serviced by public transport, and every route to a tube station or a bus route involves walking past many residential flats. Tubes currently finish around midnight, as do regular buses. Night buses are far less frequent. Noise from taxis lingering in the

street will increase. If people are drinking without food with the premises operating as bar, they are likely to be less inhibited and noisier. These are issues which we already experience on the corner of Blandford Street and Chiltern Street with a number of existing licensed premises. It is for this reason that we strongly oppose any increase in the terminal hour.

Conditions

The proposed deleted conditions with which we have particular concern are:

54-57 – If I understand the proposals correctly PURL will now be a cocktail bar rather than a restaurant – this will only be a problem for residents if it adds to noise and nuisance when patrons leave the premises.

62 – presumably this was a drafting error on the licence and should read ‘personal licence holder’?

69 – we are advised that the condition is appropriate because although separate legislation regulates ‘relevant entertainment’ in ‘sexual entertainment’ venues, the Local Government (Miscellaneous Provisions) 1982 Act (as amended) has an exemption for a premises where the ‘relevant entertainment’ only takes place on an infrequent basis. The condition therefore prevents a premises taking advantage of the exemption, without being in breach of their premises licence.

The proposed amended conditions with which we have particular concern are:

37 – the amended condition does not refer to a capacity limit.

58 – no objection in principle, but we note that the current condition 58 refers to Tuesday-Sunday, whereas the amended condition refers only to Thurs-Sat. In addition, the proposed condition states that ‘At all other times the premises is in use and regulated entertainment is taking place, a risk assessment will be carried out to identify the requirements for door supervisors.’ Given that certain forms of ‘regulated entertainment’ are now not regulated between 8am and 11pm, it might be more appropriate for the word in italics to be replaced with ‘or’.

65 – the proposed amended condition places much more of an onus on residents to organise these meetings, rather than the DPS.

Cumulative impact

Although this is not a designated Stress Area, the cluster of licensed premises in the vicinity both individually and collectively gives rise to a ‘cumulative impact’ of public nuisance problems. This has become more pronounced since the Chiltern Firehouse opened and Bok Bar changed hands. Therefore, the existing problems mean that granting a further licence in this particular area is not appropriate for the promotion of the licensing objectives. We refer to para 13.32 of the s182 Guidance in this regard.

Statement of Licensing Policy

As explained above, the terminal hour proposed in the application is outside the Council’s core hours Policy HRS for when customers can be on the premises. It also is not compliant with other policies, particularly the ‘public nuisance’ Policy PN1. We refer specifically to para 2.2.12:

‘Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and on routes between late night premises of

various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is “high spirits”. It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.’

There is much residential accommodation in the vicinity and applicants in such areas should be held to a stricter standard.

Conclusion

The licensing authority is charged with determining the application with a view to promoting the licensing objectives in the overall interests of the local community (Guidance 9.34).

For the reasons stated, we are therefore opposed to the application being granted.

We look forward to being kept informed of any developments, and would like to attend or be represented at the hearing in due course.

Name:		Philip Kennedy	
Address and/or Residents Association:		Flat 4, Admiral Court 45 Blandford Street London W1U 7HG	
Status:	Outstanding	In support or opposed:	Opposed
Received:	19 th January 2016		

I write to object to the application to change the premises licence as it would further increase the public nuisance.

My flat is situated directly opposite Purl, on the second floor, and both the living room and main bedroom front onto Blandford Street. We are increasingly being affected by the late night disturbance from the hotel, and the bars and restaurants in the area which all close late.

We have experienced nuisance from the operation of the premises for some time. I describe below the problems regularly encountered, and the reasons why we consider the application for longer trading and licencing hours and the sale of alcohol without the requirement for food should be refused:

- Since the smoking ban there has been increased noise from patrons standing outside to smoke, and sometimes these groups number 6 or more people. Even when it is raining the customers stand outside to smoke and their noisy chatter reverberates around the street.
- At closing time there are groups of customers standing outside the premises chatting loudly for some time. In my view the existing closing time is late enough, in terms of residents having to put up with disturbed sleep caused by loud noisy conversation/shouting into the early hours. This is a mainly residential area above the ground floor commercial uses, and regard should be had to this fact in deciding on closing times, and the time that drink is served to, so that the leisure business and residents can exist in greater harmony.
- Most of the customers appear to be quite drunk and tend to shout or speak loudly and

act exuberantly with no regard/certainly unaware that residents are trying to sleep. There may be signs up in the bar requesting customers respect the local residents peace & quiet, but no one seems to take any notice of these after they have been drinking when smoking, chatting, or saying their goodbyes on the pavement.

It is interesting that if you look up Purl on top ratings site tripadvisor, there is literally no mention of food at all, with the exception of the one review on 11th November 2015. I have not been to Purl but there are numerous reviews on this site and not one of the customers mentions having food with their cocktails. It appears to me that Purl has been operating as just a bar for some considerable time. Surely, if they have been flouting the terms of their licence, they should not be rewarded with the local authority granting them this consent?

http://www.tripadvisor.co.uk/Restaurant_Review-g186338-d2095829-Reviews-Purl_London-London_England.html

I object to the proposals: the extended opening hours and the removal of the condition food be served with drinks.

Why allow further drinking up time. Surely the obvious thing is to stop serving customers earlier. Allowing the bar to trade for longer will further negatively affect the peace and quiet of this a residential area.

Name:	Heather Adlam		
Address and/or Residents Association	41 Wendover Court Chiltern Street London W1U 7NW		
Status:	Outstanding	In support or opposed:	Opposed
Received:	8 th January 2016		

I am writing to object to the proposed extension of opening hours at the PURL cocktail bar in Blandford Street. We are already beset with noise and nuisance from other licensed premises on the corner of Chiltern and Blandford Streets and later hours would add to the noise when drinkers leave the premises, shout and slam doors. There is also the extra nuisance caused by Uber cars idling in the street. I hope the proposal will be turned down.

Name:	Ian Burchell		
Address and/or Residents Association	11 Admiral Court 45 Blandford Street London W1U 7HG		
Status:	Outstanding	In support or opposed:	Opposed
Received:	7 th January 2016		

I object to the application to change the premises licence (ref. 15/12083/LIPV) as it would further increase the public nuisance, and crime and disorder in the area.

My flat is across the street from the premises and had a bedroom and living room that is already affected by the late night disturbance from the pubs, bars and restaurants in the area.

I object to three of the proposals: the later opening hours; the removal of the condition food be served with drinks; and allowing the use of the Blandford Street exit.

Even if patrons are not drinking later, by allowing them to leave later it is going to make the disturbance later. It also means that patrons will have longer to drink. This will further negatively affect the peace and quiet of a residential area.

Removing the condition that food has to be eaten with the drink means that Purl will operate as a bar, rather than a restaurant as the premises was originally intended to be. Converting restaurants into bars will increase the level of public nuisance.

In addition I also object to the removal of the condition that the Blandford Street exit should not be used after 11pm. This exit is directly opposite Admiral Court so the use of this exit merely shifts the noise round to all the residents in the fifteen apartments of Admiral Court and the two associated apartments on Blandford Street.

Name:		George & Jennifer McNaught	
Address and/or Residents Association		17 Admiral Court 45 Blandford Street London W1U 7HG	
Status:	Outstanding	In support or opposed:	Opposed
Received:	7 th January 2016		

I object to the application to change the premises licence (ref. 15/12083/LIPV) as it would further increase the public nuisance, and crime and disorder in the area.

My flat is across the street from the premises and has a bedroom and living room that is already affected by the late night disturbance from the pubs, bars and restaurants in the area.

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Even if patrons are not drinking later, by allowing them to leave later it is going to make the disturbance later. It also means that patrons will have longer to drink. This will further negatively affect the peace and quiet of a residential area.

Removing the condition that food has to be eaten with the drink means that Purl will operate as a bar, rather than a restaurant as the premises was originally intended to be. Converting restaurants into bars will increase the level of public nuisance.

In addition I also object to the removal of the condition that the Blandford Street exit should not be used after 11pm. This exit is directly opposite Admiral Court so the use of this exit merely shifts the noise round to all the residents in the fifteen apartments of Admiral Court and the two associated apartments on Blandford Street.

Name:		David Cook	
Address and/or Residents Association		10 Wendover Court Chiltern Street London	
Status:	Outstanding	In support or opposed:	Opposed
Received:	17 th January 2016		

I am writing to strongly object to the proposed license variation at the above premises. This application contains a surreptitious attempt to extend drinking and other activities outside core hours and conflicts with the licensing objectives of prevention of public nuisance and prevention

of crime and disorder.

My family has lived in Wendover Court for fifteen years. It is a residential building in Chiltern Street. Our front door is about fifteen yards from Purl. Since these premises re-opened as Purl there has been significant nuisance to local residents and any extension of opening hours especially into the early hours of the morning is clearly going to exacerbate this.

The proprietor seems to have belatedly come to realise that he needs to improve the establishment's performance and we welcome this in general. However the proposed extended opening will merely result in people lingering later in the street after closing, especially in the summer months when groups smoking and talking outside Purl are very loud.

Likewise any variation in the requirement for alcohol to be served only with meals will unquestionably lead to a change in the character of the establishment that will make public nuisance more rather than less likely.

The lack of infrastructure for visitors means that there are often cars double parked in Blandford Street and Chiltern Street, morning and evening. This is clearly not safe. Many drivers wait with their engines running for half an hour or more. This is an additional nuisance, which the application does not address.

This application would be extremely detrimental to the lives of local residents. I urge WCC to help local residents and reject it.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy PB1 applies	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy MD1 applies	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy HRS1 applies	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

4. Appendices

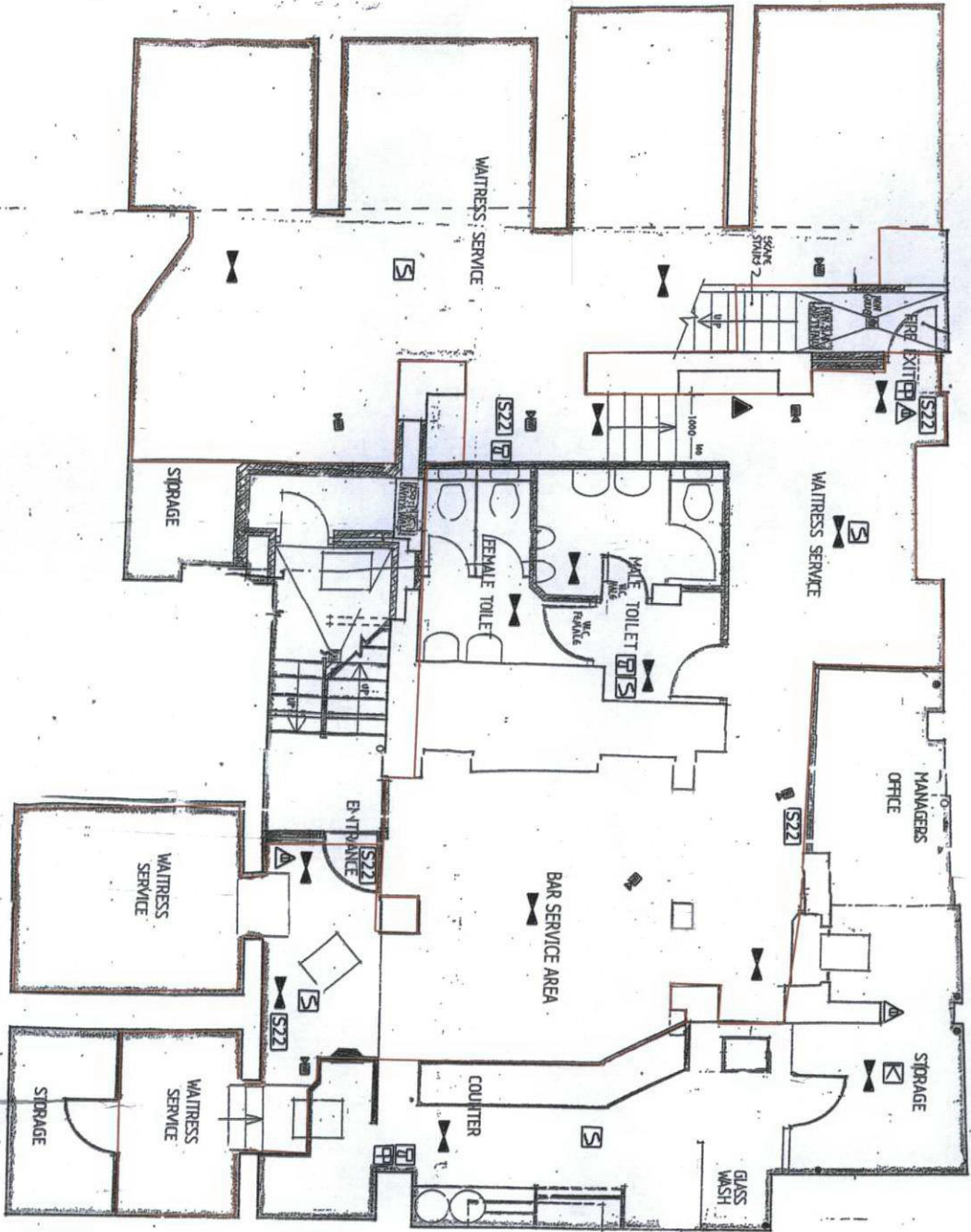
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015



	[S22] ILLUMINATED FIRE EXIT NOTICE
	CO2 EXTINGUISHER
	WATER FIRE EXTINGUISHER
	FIRE ALARM SOUNDER
	AREA COVERED BY HEAT DETECTORS
	AREA COVERED BY SMOKE DETECTORS
	FIRE ALARM BREAK GLASS
	AREA WITHIN WHICH LICENSABLE ACTIVITIES WILL TAKE PLACE
	CCTV CAMERAS
	EMERGENCY LIGHTING COVERAGE

Norman & Dawbarn

REGUL. ENGINEERS, ARCHITECTS & PLANNERS ASSOCIATES
 AMENDMENTS BY T. STEPHENSON 01/07/10
 Architects / Consulting Engineers / Town Planners

C.A. Jones
[Signature]

Job Title	Scale	Dep. No.
-50-54 BLANDFORD STREET	1:50	1178-2
Basement Plan	Drawn: mp	SK-001

Annex 4 – Plans

Attached

To Whom It May Concern

21 February 2016

Dear Resident,

We are acting on behalf of LuckyBGP Ltd in relation to the application for a variation of the premises licence at:

Purl London
Basement
50-54 Blandford Street
London W1U 7HX

We are writing to you, as we are in receipt of the representation you have lodged against the application. We have received a number of such representations and have been considering those valid points raised.

Normally in these circumstances we would seek to mediate with those people who have raised concerns or their representatives; such as a representative of a resident's association etc. However due to the variety of individual representations received and there being no apparent individual identified as a spokesperson representing everyone concerned, I felt it may be more effective to provide further information in relation to this application, by sending a letter covering some key points.

As always, we would seek to try and resolve any concerns raised without the need to convene a Licensing Committee Hearing, with the additional time and cost to all parties involved. The licensing process allows anyone who has made a representation to withdraw it at any stage and / or for us to amend certain aspects of the application, were we able to reach any agreement prior to the hearing taking place.

Licensing Act 2003

While I would not seek to patronise anyone, licensing law is not usually common knowledge to those who work outside of the sector and this can lead to misconceptions when it comes to Premises Licence variations. I therefore thought it may be useful to provide some clarification on relevant aspects of the regulation; as this letter is being sent to a variety of individuals, I hope you will forgive me if I cover ground you are already familiar with.

Beyond the Blue
Training & Consultancy

92 Vegal Crescent
Englefield Green
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A Premises Licence is required where a licensable activity is taking place. The Licensable Activities in relation to this application are:

- Sale of Alcohol
- Regulated Entertainment
- Late Night Refreshment (The sale of hot food and hot (non-alcoholic) drinks between 23.00 – 05.00)

A Premises Licence is designed to control any perceived risks these activities could present and provide a regulatory framework.

Premises Licence Variation

We were approached by Bryan Pietersen, following a previous application which had been made and subsequently abandoned; pending further consultation with residents and responsible authorities.

Although we were not involved in that consultation process, we have been made aware of the conclusions reached during those meetings.

We were engaged to consider the current licence, with a view to completing a variation, the purpose of which was to deliver an updated Premises Licence which reflected the current operations at the premises and resolved those long-standing anomalies on the premises licence, which in some cases were contradictory. The variation seeks to bring the Premises Licence in-line with current best practice, something which the Police and Westminster City Council are also keen to achieve.

Our remit was not to extend the hours of any licensable activity, as the previous application had attempted to do and not to fundamentally change the current operation of the premises, which we understand has recently enjoyed a significant period without complaints being raised.

Premises Licence Conditions

The conditions attached to the Operating Schedule of a Premises Licence create a legally enforceable framework under which the Premises must operate. Any breach of a conditions can result in enforcement action being enacted by the relevant Responsible Authority.

The existing Premises Licence is subject to 69 conditions, which for a premises of this size is quite substantial, however a significant number of these conditions are either irrelevant or unenforceable.

Irrelevant conditions only serve to complicate the operation at a premises without any practical application; unnecessary complications are unhelpful to all parties. Some conditions on the Purl London Premises Licence are irrelevant, as they refer to activities or facilities which are no longer undertaken or present; we have sought to remove these.

Unenforceable conditions are those which, while they may hold some practical merit, may be legally unenforceable and were they to be challenged in court would not stand up to significant scrutiny. As such they hold little legal or practical weight as they are difficult to use in a legal framework should a Responsible Authority wish to challenge the premises licence. We have sought to rewrite those in a more legally enforceable way, in some cases using Westminster's own recommended 'Model Conditions'.

If I could present one such example:

Current condition 65 currently reads

The DPS will arrange and / or attend a meeting with local resident's associations at least quarterly for so long as required so that any issues concerning the operation of the premises may be discussed.

This condition causes some problems in its lack of clarity; 'so long as required' by who? The Premises Licence Holder, the Residents Association, an Individual Resident, the Licensing Authority?

If the Designated Premises Supervisor (DPS) is compelled by the condition to arrange such meetings, who should they invite? If we were to view this literally the DPS could simply place a notice inside the premises advising residents of a meeting and when no one turns up, they could 'tick the box' for that quarter.

Equally a resident's association could potentially prevent the DPS from attending, decide no meeting is required or the DPS could be on holiday when such a meeting is taking place; all of which may place the Premises Licence holder in breach of their Premises Licence condition; thus making the condition unworkable.

This may all sound facetious and improbable and it is certainly not the Premises Licence holder's intent to use such an underhanded approach. However, there have been plenty of cases where the 'common sense' approach we all hope exists, fails to materialise. Therefore through this variation we would seek to replace this vague & flawed condition with one which maintains the same sentiment, but which is both clear and enforceable:

Mediation with Local Residents – *The DPS and / or a nominated senior representative of the Premises Licence Holder shall, where invited, attend meetings with the local resident's association(s) on up to 4 occasions in any one calendar year. These meetings should concern themselves with any issues concerning the operation of the premises.*

The revised condition places the emphasis on the DPS or someone such as Mr Pietersen himself to attend meetings when the Residents Association(s) invite them to do so. It is after all the residents themselves who would be aware of any problems they may encounter with a premises and as such they should decide when it might be appropriate to call a meeting, rather than the DPS.

This condition provides the guarantee that the residents association(s) will have access to a senior member of the premises on a regular basis, only when the association needs them to attend, rather than when it suits the DPS. It also provides some reassurance for the premises licence holder, that they will only be required to attend meetings where Purl London may appear on the agenda.

If this variation were seeking to be underhanded and not transparent, we would have left what we believe to be an unenforceable ambiguous condition on the existing licence, rather than replacing it with something practical and clear for all parties.

This is just one example of the process we have undertaken with many of the conditions throughout the Premises Licence.

In addition to this we have volunteered a number of new conditions which were do not appear on the current licence, but which enshrine the requirement for the Premises to operate to the highest standards.

We also believe the systems and safeguards we have put into place, are sufficiently robust so as not to undermine the licensing objectives.

These new volunteered conditions will assist the Responsible Authorities in taking enforcement action against the Premises Licence holder should they ever need to. While we are confident that under the current owners this will not be necessary, it does 'future-proof' the premises and guarantee that any future owner (LuckyBGP Limited have no plans to sell at this time) would be bound by this same best practice.

Premises Licence Hours

A number of people have raised concerns regarding the hours applied for within the application.

At first glance it may look like an increase in hours is being sought and that this may seem to be contrary to my earlier statement that our remit was not to increase the hours for Licensable Activities at the premises.

I should emphasise that it was I who has recommended to Mr Pietersen that an increase in the Operating Hours be applied for, in order to align the hours with current best practice. The change was not intended to change the existing operation at the premises, as Mr Pietersen was very clear that this was not the purpose of the application. We are also not seeking to extend the hours for Licensable Activities at the premises.

This was an issue which had never previously been raised in respect of the premises and one therefore not discussed in previous forums. It is a common anomaly we come across on Premises Licenses which were granted under 'grandfathering rights' in 2005 and we always seek to make appropriate amendments when we come across the issue.

In 2005 Licensing Authorities were given 3 months to take on and implement the new licensing regime which had previously been the remit of the Courts. As a result a 'grandfathering' process was implemented whereby all 'old' licensed premises were automatically given a new Premises Licence; this was like trying to place a square peg into a round hole. The outcome was a system which needed refining and this is a process which has been taking place over the last ten years.

Some of what currently appears on the Premises Licence is a hang-over from that period / process and certainly does not reflect current best practice. The various responsible authorities are also keen to rectify this situation and bring the licence in-line with this best practice, so that all parties involved know exactly where they stand.

Under the old 1964 Licensing Act, pubs, bars, clubs, restaurants etc. were given a specified time at which they had to stop selling alcohol, the statute then allowed all premises 30 minutes for their customers to finish their drinks and leave that premises; this was commonly referred to as the 'drinking up time'.

When the 2003 Act came into force in 2005, no such provision for a uniform 'drinking-up time' was given within the legislation, it was essentially replaced by a flexible model. Now a Premises Licence would stipulate a time for Licensable Activities (Sale of Alcohol etc.) and Operating / Opening Hours; these 'Opening Hours' were the hours the public were permitted to be in the premises. Therefore, the 'drinking-up time' would vary from premises to premises and be defined by the last hour a premises was permitted to sell alcohol until the terminal opening time on that day.

In 2005 when the switch over occurred, a failure to make such a distinction was one of the most common 'errors' made in the 'grandfathering' process and we have been 'correcting' these hours on licenses whenever we come across them, regularly for the past ten years.

The current Premises Licence for Purl London contains this error, by the permitted hours for the sell alcohol and the operating hours being the same. In other words, technically the premises can sell alcohol on a Monday until 23.30, but the customer would have no time to drink that drink.

In theory this would result in the premises forcing all their customers to leave at the same time and not giving them a reasonable time to finish any drinks they had purchased. Having such a policy of putting all customers on the street outside a premises at the same time or forcing them to finish their drinks in an irresponsible manner, is acknowledged as an aggravating factor.

An orderly dispersal relies on customers being allowed to finish their drinks in a calm, sensible, yet defined time-frame and we always recommend that new applications for a Premises Licence include this defined drinking-up period. The police, licensing officers and environmental health officers recognise the benefit of allowing people to finish their drinks within a reasonable time-frame; usually in premises like Purl London, this replicates the old 30-minute drinking-up time, which is what we have now sought to do.

We are very clear that we do not wish to extend the hours during which the premises can sell alcohol, put on any form of regulated entertainment or late night refreshment. The extension in

the operating hours is simply an attempt to correct a legal anomaly in the licence and will have no negative impact on how the premises is currently run or the hours to which it currently works.

This variation has not attracted any significant attention from the Responsible Authorities as they are familiar with this anomaly and appreciate that customers trickling out of the premises, reduces noise and other disturbances.

There is one other point to raise in respect of this matter.

As you will be aware from the existing Premises Licence, one of the policies the premises is bound to employ through the conditions on the premises licence to try and reduce noise, is to keep customers inside the premises while they wait for pre-booked taxis. Without the proposed change in opening hours this would not be possible and those people would need to wait outside, potentially generating unnecessary disturbance.

I hope this explanation reassures you that the change in hours is in no way an underhanded way of extending the hours to which the premises operates, but simply a correction of a mistake which was made on very many premises licences in 2005. In the case of this Premises Licence it has never been corrected, hence why we are seeking to correct it now alongside a number of other issues, with the variation we have submitted.

One final point in respect of this matter and raised in a number of the representations received is that this change in operating hours would take this premises outside of the hours outlined in Westminster's Licensing Policy as 'Core Hours'.

I am bound to firstly point out that the core hours in the policy are not legally binding and applications outside of these hours are perfectly permissible, however in this case we are staying within the Core Hours of that policy.

The 'Core Hours' in the Policy Statement are generally accepted as referencing the core hours for Licensable Activities. The policy itself recognises the benefit and goes so far as to suggest that Westminster CC may even seek to impose a suitable 'drinking-up time'. The implementation of this policy in the way we are proposing, can be seen in any number of other Premises Licences in Westminster.

Licensing Committee Hearing

As you will have been made aware this matter is set to be heard by the Licensing Sub-Committee, where the arguments for and against the application can be heard and it will be for the committee to make the final decision.

The purpose of this letter is to open a channel of communication with you. I also thought it may be of use to provide further information to those people who had not yet had the opportunity to read the application in full or who may be in receipt of incomplete information regarding the application.

For anyone who may not yet have seen a full copy of the application, I would remind you it is available to view online at <http://idoxpa.westminster.gov.uk/online-applications> using the postcode of the premises (W1U 7HX).

I have in this letter tried to demonstrate that this application is being made in good faith, I have outline the process and attempted to explain one of the key issues raised in relation to the additional 30 minutes within the operating hours. By viewing the full application you will note that we have tried to balance the changes suggested with additional conditions and have consulted with the Police and other agencies on these matters.

It would be impossible to address each and every point raised individually, as the length of this letter already demonstrates. However I am happy to discuss the matter further with any individual(s) and answer any questions you may have. I would also be interested to hear your opinion on any new measures, which you believe would reduce any remaining concerns you may have in relation to this application.

The nature of Licensing Committee hearings and the limited time sometimes available, means that they can sometimes fail to allow for the level of discussion that different parties with different concerns may wish to have. We would therefore be very keen to try and resolve any matters which could be resolved ahead of that hearing, by whatever means suits you best; be that via email, telephone or even at a meeting with the relevant association(s).

Finally, I would advise that were the information provided here or in subsequent communications to have given you sufficient reassurance, you are able to withdraw your representation / objection in advance of the licensing sub-committee hearing, by writing to the Licensing Officer (Sumeet Anand-Patel - sanandpatel@westminster.gov.uk).

I thank you for taking the time to read this communication and hope that it has provided some reassurance in respect of the purpose of the application.

Kind regards

Peter Mayhew
Director

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion 05/04586/LIPC	Application to convert a justices' on licence	31.07.2005	Granted under delegated authority
Transfer 06/00408/LIPT	Transfer of the licence to a new licensee	21.04.2006	Granted under delegated authority
Variation 06/05279/LIPV	To vary the licensable activity hours	24.08.2006	Granted by Licensing Sub-Committee
DPS Variation 07/04004/LIPDPS	To vary the designated premises supervisor	31.05.2007	Granted under delegated authority
Variation 10/02485/LIPT	Transfer of the licence to a new licensee	09.06.2010	Granted under delegated authority
DPS Variation 10/02492/LIPDPS	To vary the designated premises supervisor	09.06.2010	Granted under delegated authority
Variation 10/04714/LIPV	Application to vary the opening hours and conditions on the licence	30.09.2010	Granted in part by Licensing Sub-Committee Note: Please see the LSC Decision attached overleaf.
DPS Variation 13/06731/LIPDPS	To vary the designated premises supervisor	23.09.2013	Granted under delegated authority
Transfer 13/08250/LIPT	Transfer of the licence to a new licensee	18.11.2013	Granted under delegated authority
Variation 15/05761/LIPV	Application to remove the requirement of an SIA and amend hours of licensable activities	19.11.2015	Withdrawn by applicant
Variation 15/05761/LIPV	Current Application	Pending	

There is no appeal history

LICENSING SUB-COMMITTEE No. 5

Thursday 30 September 2010

Membership: Councillor Glanz (Chairman), Councillor Evans and Councillor McAllister

Legal Adviser: Gitanjali Waithe
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health Service, Metropolitan Police Service, Local landlord, Local freeholder, Local business, 26 Local residents and 2 local residents in support of application.

Present: Mr James Rankin (Counsel, representing Applicant), Mr Thomas Aske (Director, Applicant Company), Sarah Richard de Latour (solicitor on behalf of Applicant), Ms Sharon White (Environmental Health), Mr Bob Tindall (Licensing Inspector), PC Brian Lewis (Metropolitan Police), Mr Richard Brown (Licensing Advice Project, Citizens Advice Bureau, on behalf of local residents Mr Ian Burchell, Ms Janet Lee, Mr William Blacklock and Mr Chris Kennedy), Ms Heather Adlam, Mr Ian Burchell, Mr Michael Cunliffe, Ms Janet Lee, Ms Verena Melan (on behalf of Mr Florian Schneider), Ms Gloria May and Mr Phillip Watts (local residents) and Mr John Falding (local resident in support of the application).

Purl, 50-54 Blandford Street, W1	
10/04714/LIPV	
1.	Sale of Alcohol: On and Off
(i)	To extend the terminal hours for the sale of alcohol On Monday – Thursday, by 30 minutes, to midnight On Friday and Saturday, by 60 minutes, to 01:00 On Sunday, by 30 minutes, to 23:00
(ii)	To reduce the commencement hour for the sale of alcohol On Monday – Saturday, by 7 hours to 17:00 On Sunday, by 5 hours to 17:00.
Amendments to application advised at hearing: The Applicant withdrew part (i) to extend the terminal hours for the sale of alcohol. The Applicant also withdrew the aspect of the application relating to the consumption of alcohol off the premises and removed off-sales from the licence during the hearing.	

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee was not required to consider part (i) above as it had been withdrawn by the Applicant.</p> <p>The Sub-Committee granted part (ii) for the consumption of alcohol on the premises, subject to conditions. This was a significant reduction in the number of hours from Monday to Sunday that the basement restaurant/bar was able to sell alcohol.</p>
2.	Variation to conditions
	<p>(i) To remove condition 56 from Licence at Appendix A1, which states:</p> <p><i>Throughout the inside restaurant area food and beverages (whether alcohol or otherwise) shall be supplied only to persons seated at a table by waiter or waitress.</i></p> <p>(ii) To remove condition 57 from Licence at Appendix A1, which states:</p> <p><i>Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such persons as an ancillary to his meal.</i></p> <p>(iii) To remove condition 58 from Licence at Appendix A1, which states:</p> <p><i>Persons wishing to consume alcohol at the bar shall be waiting their pre-booked meal or have consumed their meal within the restaurant, and the booking list shall be available on request by the police or council.</i></p> <p>(iv) To remove condition 59 from Licence at Appendix A1, which states:</p> <p><i>Throughout the inside bar area beverages (whether alcohol or otherwise) shall be supplied only to persons seated at a table by waiter or waitress.</i></p> <p>(v) To remove condition 60 from Licence at Appendix A1, which states:</p> <p><i>Recorded Music including Disc Jockey is allowed on Friday to Saturday 19:00 to 00:00.</i></p> <p>(vi) To remove condition 41 from Licence at Appendix A1, which states:</p> <p><i>Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where intoxicating liquor is sold and supplied for consumption on the premises.</i></p> <p>(vii) To remove condition 42 from Licence at Appendix A1, which states:</p>

After 23:00 the sale of intoxicating liquor shall be ancillary to table meals.

Amendments to application advised at hearing:

None.

Decision (including reasons if different from those set out in report):

Parts (i) to (iv) were refused by the Sub-Committee. Parts (v) to (vii) were granted by the Sub-Committee.

The Sub-Committee granted the removal of condition 60 in part (v) so that Recorded Music, including a Disc Jockey, would no longer be permitted on Friday to Saturday 19:00 to 00:00. The Sub-Committee granted the removal of condition 41 in part (vi) as the condition already existed on the licence. The Sub-Committee granted the removal of condition 42 in part (vii) as 'After 23:00 the sale of intoxicating liquor shall be ancillary to table meals' had conflicted with condition 57 on the existing licence that 'Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such persons as an ancillary to his meal'. The issues with conditions 42 and 57 being attached to the same licence had been raised by both the Applicant's Representative, Mr Rankin and by Mr Brown representing local residents.

The Sub-Committee refused the removal of conditions 56 to 59 on the existing licence (parts i to iv above) on the grounds that to remove restaurant conditions from the licence and allow the premises to be more in keeping with a bar was likely to undermine the licensing objectives, in particular public nuisance. Currently alcohol could only be sold or supplied on the premises to persons taking table meals served by waiter or waitress and as an ancillary to a meal. Persons wishing to consume alcohol at the bar would have to be awaiting their pre-booked meal or have consumed their meal within the restaurant. The Sub-Committee considered that this decision struck a fair balance in addressing the needs of local residents so that they were able to have a night of uninterrupted sleep and also those of the business concerned.

In reaching their decision, Members of the Sub-Committee took into account both the written representations received from local residents and Mr Brown on residents' behalf and also their comments at the hearing. Mr Brown made a number of points on behalf of his clients, Mr Burchell, Ms Lee, Mr Blacklock and Mr Kennedy including that the area was extremely residential and not suitable for a late night bar. It was recognised in the Council's Statement of Licensing Policy that these premises have a greater tendency to cause public nuisance than restaurants. There was already public nuisance arising from Purl's current operation, principally customers standing outside talking and shouting. Residents were awoken by noise from the premises.

Key points made by residents relating to public nuisance at the hearing included

Mr Burchell who lived directly opposite. He experienced noise mostly from customers standing outside or smoking and also occasionally music from the premises. He wished to be asleep from 23:00 hours but people could be heard for some time after this. Customers could be seen outside standing in the street and he had supplied photographs and video footage of the issues he faced. Ms Melan added that though she had double glazing at her premises, she could still hear people talking under her flat. It was usually a quiet street which accentuated the noise. She had complained several times to the Noise Team. Ms Lee stated that it would be useful for the premises to speak to residents on a regular basis to resolve issues that currently existed but that she objected to the application on the grounds of public nuisance.

The Sub-Committee also noted the points made by Mr Rankin. These included that Purl was a small basement establishment with a capacity of 60 people. It took approximately 95% reservations. It had been open since May and was well run. Now the Applicant was aware of the strength of feelings any issues with residents could be addressed. Conditions agreed with Environmental Health included that the premises would provide a telephone number for immediate contact of a member of the management team to residents and there would be quarterly meetings between the management and residents. There had been a letter of support for the application from Mr John Falding who was also present at the hearing. Mr Falding commented that Purl was well run, a good neighbour and encouraged meetings with residents. There was a strictly enforced door policy. People being outside the premises smoking and matters such as this were all part of living in Central London.

Environmental Health had maintained their representation but had agreed conditions with the Applicant. It had been agreed that after 21:00 hours the entrance door onto Blandford Street would remain closed except for access and egress. The Metropolitan Police had maintained their representation and had agreed conditions with the Applicant. PC Lewis stated that there had been no reported offences at the venue.

Licensing Inspector Bob Tindall addressed the Sub-Committee regarding the matter that the restaurant/bar was not fully complying with its conditions. He had attended the premises on 11th September 2010 and it had been explained to him that the premises did not have a kitchen. Customers requiring food would order items from the menu of the Il Baretto restaurant opposite. Il Baretto was licensed for the provision of hot refreshments until 23:30 hours whereas Purl's licence permitted the sale of late night refreshment and alcohol until midnight. The Applicant stated that it was his intention to provide a further selection from stores other than Il Baretto such as cold meats, cheeses and fruits. Local residents had commented that they had experienced noise nuisance from people going between Purl and Il Baretto.

The Sub-Committee expressly asked the Applicant whether he was content for off-sales to be removed from the Licence and also whether he was content for the Environmental Health proposed conditions to be attached to the licence (conditions 64-69 below). The Applicant stated that this was acceptable to him.

3.	Opening Hours
	<p>Monday – Thursday 17:00 to midnight Friday and Saturday 17:00 to 01:00 Sunday 17:00 to 23:00</p>
	<p>Amendments to application advised at hearing:</p> <p>The Applicant withdrew the aspect of the application for the opening hours to be extended. This meant that the opening hours would terminate at the same time as the opening hours on the previous licence (10/02492/LIPDPS).</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the reduction in the commencement hours aspect of the opening hours applied for. This was a significant reduction in the number of hours from Monday to Sunday that the basement restaurant/bar was able to sell alcohol. The Applicant had withdrawn the aspect of the application for the opening hours to be extended.</p> <p>The opening hours granted were therefore:</p> <p>Monday – Thursday 17:00 to 23:30 Friday and Saturday 17:00 to 00:00 Sunday 17:00 to 22:30.</p>

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;

- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Effective from 1 October 2010, conditions 7 & 8

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml; and
- (b) customers are made aware of the availability of these measures.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

Additional Conditions

9. There shall be no sale or supply of draught beer.
10. Substantial food and suitable beverages other than intoxicating liquor (including

drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

11. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

12. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
13. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On Monday to Thursday, 10:00 to 23:30;
- (b) On Friday to Saturday, 10:00 to 00:00;
- (c) On Sunday 12:00 to 22:30
- (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE – The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

- (e) the taking of alcohol from the premises by a person residing there;
- (f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

14. Children under 18 are not allowed in the premises.
15. The Licence will have no effect until the premises are constructed/alterd only in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Consultation Team and this condition has been removed from the Licence.
16. The provision of a full acoustic barrier to the existing plant.
17. All speakers to be mounted on anti-vibration mounts.
18. After 21:00 hours the entrance door onto Blandford Street shall remain closed except for access and egress.
19. The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
20. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
21. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
22. All fire doors shall be maintained effectively self-closing and not held open other than by an approved device.
23. Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut.
24. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

25. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
26. Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.
27. Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role.
28. The certificates listed below shall be submitted to the Licensing Authority upon written request.
 - Any emergency lighting battery or system
 - Any electrical installation
 - Any fire alarm system.
29. The flue of any boiler or heating appliance shall be professionally cleaned at intervals not less than the minimum recommended by the appliance manufacturer.
30. Ventilation ducting and shafts generally shall be maintained in a clean condition.
31. Ventilation air filters shall be cleaned or changed for new filters periodically as may be necessary to maintain a satisfactory flow of air supply.
32. All interior surfaces of extract ventilation ducting serving kitchens and services shall be thoroughly cleaned at least annually.
33. Grease filters in extract ventilation hoods in kitchens and services shall be regularly cleaned e.g. weekly.
34. CCTV cameras will be installed at the locations indicated on the plan.
35. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry and exit points, and the street environment and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available on 24 hours notice. (Subject to the Data Protection Act 1998).
36. The number of persons accommodated at any one time (including staff) shall not exceed the following: Basement - 60.
37. A daily log is to be maintained to ensure that any capacity limit set for the

basement is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.

38. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used when 10 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team (where consent has not previously been given);
- dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers
 - explosives and highly flammable substances
 - real flame
 - strobe lighting.
39. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
40. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
41. No striptease, no nudity and all persons to be decently attired at all times.
42. A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person.
43. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service.
44. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

45. No speakers shall be located in the entrance area.
46. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
47. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
48. All entrance doors and windows to be kept closed except for immediate access and egress of persons.
49. After 11pm the entrance door on Blandford Street shall remain closed, except for emergency purposes, and patrons shall only enter and exit via the door on Chiltern Street.
50. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
51. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
52. No authorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
53. A dedicated rubbish store shall be provided.
54. Throughout the inside restaurant area food and beverages (whether alcohol or otherwise) shall be supplied only to persons seated at a table by waiter or waitress.
55. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such persons as an ancillary to his meal.
56. Persons wishing to consume alcohol at the bar shall be waiting their pre-booked meal or have consumed their meal within the restaurant, and the booking list shall be available on request by the police or council.
57. Throughout the inside bar area beverages (whether alcohol or otherwise) shall be supplied only to persons seated at a table by waiter or waitress.
58. No later than 20:00 hours and close of business between Tuesdays and Sundays, there shall be a minimum of one SIA door supervisor on duty. There must be a minimum of one SIA door supervisor outside the entrance to the premises during the times shown above. His or her duty will be to manage the door and supervise persons outside, who are associated with the venue i.e.

persons queuing and smokers. That Door Supervisor must wear a high visibility jacket or vest.

59. There shall be no alcohol or drinks of any description shall be taken outside the premises at any time.
60. No entry or re-entry to the premises after midnight, save for smokers.
61. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) any complaints received regarding crime or disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system or searching equipment or scanning equipment
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
62. One Premises Licence Holder shall be on duty on the premises, when open to the public.
63. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
64. A telephone number for immediate contact of a member of the management team be displayed in a position where it can be easily read from the outside. This telephone number will be supplied to the local resident association/s representative and kept updated.
65. The DPS will arrange and/or attend a meeting with the local resident association/s at least quarterly for so long as required so that any issues concerning the operation of the premises may be discussed.
66. The management shall make arrangements with a properly licensed private Hire and/or Hackney Carriage service for customers and the contact numbers made readily available for customers, who will be encourage to use such service/s. Pick up and drop points shall be arrange with the service's concerned in areas where residents are least likely to be disturbed. Use of unlicensed mini cabs shall be positively discouraged where possible.
67. All patrons and staff waiting for a taxi shall be encouraged to do so within the premises.
68. There shall be no deliveries between 2300 and 0700 hours.
69. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in

Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Conditions: On Current Licence -

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 7.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
 8. The responsible person shall ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml; and
 - (b) customers are made aware of the availability of these measures.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions for Sale of Alcohol

10. There shall be no sale or supply of draught beer.

11. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

12. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Note: the applicant is seeking to remove this condition

13. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Note: the applicant is seeking to remove this condition

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

14. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On Monday to Thursday, 10:00 to 23:30;
- (b) On Friday to Saturday, 10:00 to 00:00;
- (c) On Sunday 12:00 to 22:30
- (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE – The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

Note: the applicant is seeking to remove this condition

15. Children under 18 are not allowed in the premises.
16. The provision of a full acoustic barrier to the existing plant.

Note: the applicant is seeking to remove this condition

17. All speakers to be mounted on anti-vibration mounts.
18. After 21:00 hours the entrance door onto Blandford Street shall remain closed except for access and egress.

Note: the applicant is seeking to remove this condition

19. The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

Note: the applicant is seeking to remove this condition

20. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

21. All exit doors shall be available at all material times without the use of a key, code, card or similar means.

Note: the applicant is seeking to remove this condition

22. All fire doors shall be maintained effectively self-closing and not held open other than by an approved device.

Note: the applicant is seeking to remove this condition

23. Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut.

Note: the applicant is seeking to remove this condition

24. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

25. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.

Note: the applicant is seeking to remove this condition

26. Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.

Note: the applicant is seeking to remove this condition

27. Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role.

Note: the applicant is seeking to remove this condition

28. The certificates listed below shall be submitted to the Licensing Authority upon written request.

- Any emergency lighting battery or system
- Any electrical installation
- Any fire alarm system.

Note: the applicant is seeking to remove this condition

29. The flue of any boiler or heating appliance shall be professionally cleaned at intervals not less than the minimum recommended by the appliance manufacturer.

Note: the applicant is seeking to remove this condition

30. Ventilation ducting and shafts generally shall be maintained in a clean condition.

Note: the applicant is seeking to remove this condition

31. Ventilation air filters shall be cleaned or changed for new filters periodically as may be necessary to maintain a satisfactory flow of air supply.

Note: the applicant is seeking to remove this condition

32. All interior surfaces of extract ventilation ducting serving kitchens and services shall be thoroughly cleaned at least annually.

Note: the applicant is seeking to remove this condition

33. Grease filters in extract ventilation hoods in kitchens and services shall be regularly cleaned e.g. weekly.

Note: the applicant is seeking to remove this condition

34. CCTV cameras will be installed at the locations indicated on the plan.
35. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry and exit points, and the street environment and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available on 24 hours notice. (Subject to the Data Protection Act 1998).

The applicant is seeking to replace the two conditions above with the following:

The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

Sufficient competent persons should be authorised by the premises licence holder to provide the Police with downloaded CCTV footage and / or images in an appropriate recorded format (usually to a disc or memory stick) when formally requested to do so. The authorised person(s) should be sufficient to enable such data to be obtained by the police.

36. The number of persons accommodated at any one time (including staff) shall not exceed the following: Basement - 60.
37. A daily log is to be maintained to ensure that any capacity limit set for the basement is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.

Note: the applicant is seeking to replace this condition with the following:

A log and / or counter shall be maintained after 20.00 on each day, which monitors the capacity at the premises. This information shall be made available to an Authorised Officer of the City Council or Police Officer upon request.

38. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used when 10 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team (where consent has not previously been given);
- dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers
 - explosives and highly flammable substances
 - real flame
 - strobe lighting.

39. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
40. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

Note: the applicant is seeking to remove this condition

41. No striptease, no nudity and all persons to be decently attired at all times.

Note: the applicant is seeking to remove this condition

42. A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person.
43. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service.
44. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

Note: the applicant is seeking to replace conditions 42, 43, 44 with the following:

(This condition shall apply only when Regulated Entertainment is taking place.) A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

45. No speakers shall be located in the entrance area.
46. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
47. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
48. All entrance doors and windows to be kept closed except for immediate access and egress of persons.
49. After 11pm the entrance door on Blandford Street shall remain closed, except for emergency purposes, and patrons shall only enter and exit via the door on Chiltern Street.

Note: the applicant is seeking to remove this condition

50. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
51. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
52. No authorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
53. A dedicated rubbish store shall be provided.
54. Throughout the inside restaurant area food and beverages (whether alcohol or otherwise) shall be supplied only to persons seated at a table by waiter or waitress.

Note: the applicant is seeking to remove this condition

55. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such persons as an ancillary to his meal.
56. Persons wishing to consume alcohol at the bar shall be waiting their pre-booked meal or have consumed their meal within the restaurant, and the booking list shall be available on request by the police or council.

Note: the applicant is seeking to remove conditions 55 and 56.

57. Throughout the inside bar area beverages (whether alcohol or otherwise) shall be supplied only to persons seated at a table by waiter or waitress.

Note: the applicant is seeking to remove this condition

58. No later than 20:00 hours and close of business between Tuesdays and Sundays, there shall be a minimum of one SIA door supervisor on duty. There must be a minimum of one SIA door supervisor outside the entrance to the premises during the times shown above. His or her duty will be to manage the door and supervise persons outside, who are associated with the venue i.e. persons queuing and smokers. That Door Supervisor must wear a high visibility jacket or vest.

Note: the applicant was seeking to replace this condition above with the following:

Door Supervisors will be employed at the premises when licensable activities are taking place under the following criteria:

- a. **On Thursdays, Fridays & Saturdays from 20.00 until the last patron has left the premises and dispersed from the area immediately to the front of the premises.**
- b. **At all other times the premises is in use and Regulated Entertainment is taking place, a risk assessment will be carried out to identify the requirements for door supervisors.**
- c. **When door supervisors are required, a minimum of one (1) SIA Registered Door Supervisor shall be employed.**
- d. **Where a requirement for door supervisor is identified, a register of door supervisors employed will be maintained. This register will record their name, SIA Door Supervisor Licence number, contact details and be signed by the Door Supervisor as well as an authorised member of the premises management team.**

During the consultation period, the applicant agreed this alternative to condition 58 with the police:

On Thursdays, Fridays and Saturdays from 20:00 a minimum of 1 SIA licensed door

supervisor shall be on duty at the premises until all customers have left and dispersed from the area immediately to the front of the premises.

59. There shall be no alcohol or drinks of any description shall be taken outside the premises at any time.

Note: the applicant is seeking to replace this condition with the following:

Alcoholic drinks will not be permitted to leave the premises at any time, including for those leaving for the purpose of smoking.

60. No entry or re-entry to the premises after midnight, save for smokers.

Note: the applicant is seeking to replace this condition with the following:

No new admissions or re-admissions will be allowed to the premises after 00.00 with the exception of those patrons who have temporarily left the premises for the purpose of smoking.

61. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
 - (b) any complaints received regarding crime or disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system or searching equipment or scanning equipment
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.

Note: the applicant is seeking to replace this condition with the following:

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- a. all crimes reported to the venue**
- b. any complaints received concerning crime and disorder**
- c. any incidents of disorder**
- d. all seizures of drugs or offensive weapons**
- e. any faults in the CCTV system**
- f. any refusal of the sale of alcohol**
- g. any visit by a relevant authority or emergency service.**

62. One Premises Licence Holder shall be on duty on the premises, when open to the public.

Note: the applicant is seeking to remove this condition

63. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

Note: the applicant is seeking to replace this condition with the following:

A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

64. A telephone number for immediate contact of a member of the management team be displayed in a position where it can be easily read from the outside. This telephone number will be supplied to the local resident association/s representative and kept updated.

65. The DPS will arrange and/or attend a meeting with the local resident association/s at least quarterly for so long as required so that any issues concerning the operation of the premises may be discussed.

Note: the applicant is seeking to replace this condition with the following:

The DPS and / or a nominated senior representative of the Premises Licence Holder shall, where invited, attend meetings with the local residents association(s) on up to 4 occasions in any one calendar year. These meetings should concern themselves with any issues concerning the operation of the premises.

66. The management shall make arrangements with a properly licensed private Hire and/or Hackney Carriage service for customers and the contact numbers made readily available for customers, who will be encouraged to use such service/s. Pick up and drop points shall be arranged with the service's concerned in areas where residents are least likely to be disturbed. Use of unlicensed mini cabs shall be positively discouraged where possible.
67. All patrons and staff waiting for a taxi shall be encouraged to do so within the premises.
68. There shall be no deliveries between 2300 and 0700 hours.
69. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.

Note: the applicant is seeking to remove this condition

Additional conditions proposed by the licensee:

70. *Appropriate induction training will be undertaken with all relevant staff to cover appropriate subjects for their role including:*
- a. *The responsible sale of alcohol.*
 - b. *The prevention of under-age sales of alcohol, the Challenge 21 policy and in checking & authenticating accepted forms of identification.*
 - c. *The responsibility to refuse the sale of alcohol to any person who is drunk.*
 - d. *Fire safety & emergency evacuation procedures*
71. *A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.*
72. *On New Year's Eve the premises can remain open, for the purpose of providing regulated entertainment, the retail sale of alcohol and late night refreshment, from the time when these activities must otherwise cease on New Year's Eve to the time when they can commence on New Year's Day.*
73. *A Zero Tolerance Policy towards the use, possession and supply of illegal drugs will be adopted and enforced.*
74. *No externally promoted events will be permitted at the premises; 'externally promoted events' are those which are promoted, managed and delivered by external promoters not affiliated to the Premises Licence holder.*
75. *A fire risk assessment will be conducted and regularly reviewed. In-line with the Fire Risk Assessment:*
- a. *An integrated fire detection and alarm system is installed, checked, regularly tested and maintained by a competent person.*

- b. *Fire extinguishers are installed in accordance with the recommendations of the fire risk assessment.*
- c. *Emergency lighting is installed in accordance with the recommendations of the fire risk assessment.*
- d. *All emergency exits are marked on the premises plan.*

76. *The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared.*

Upon determination of this application, conditions 1 to 8 shall be replaced with:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

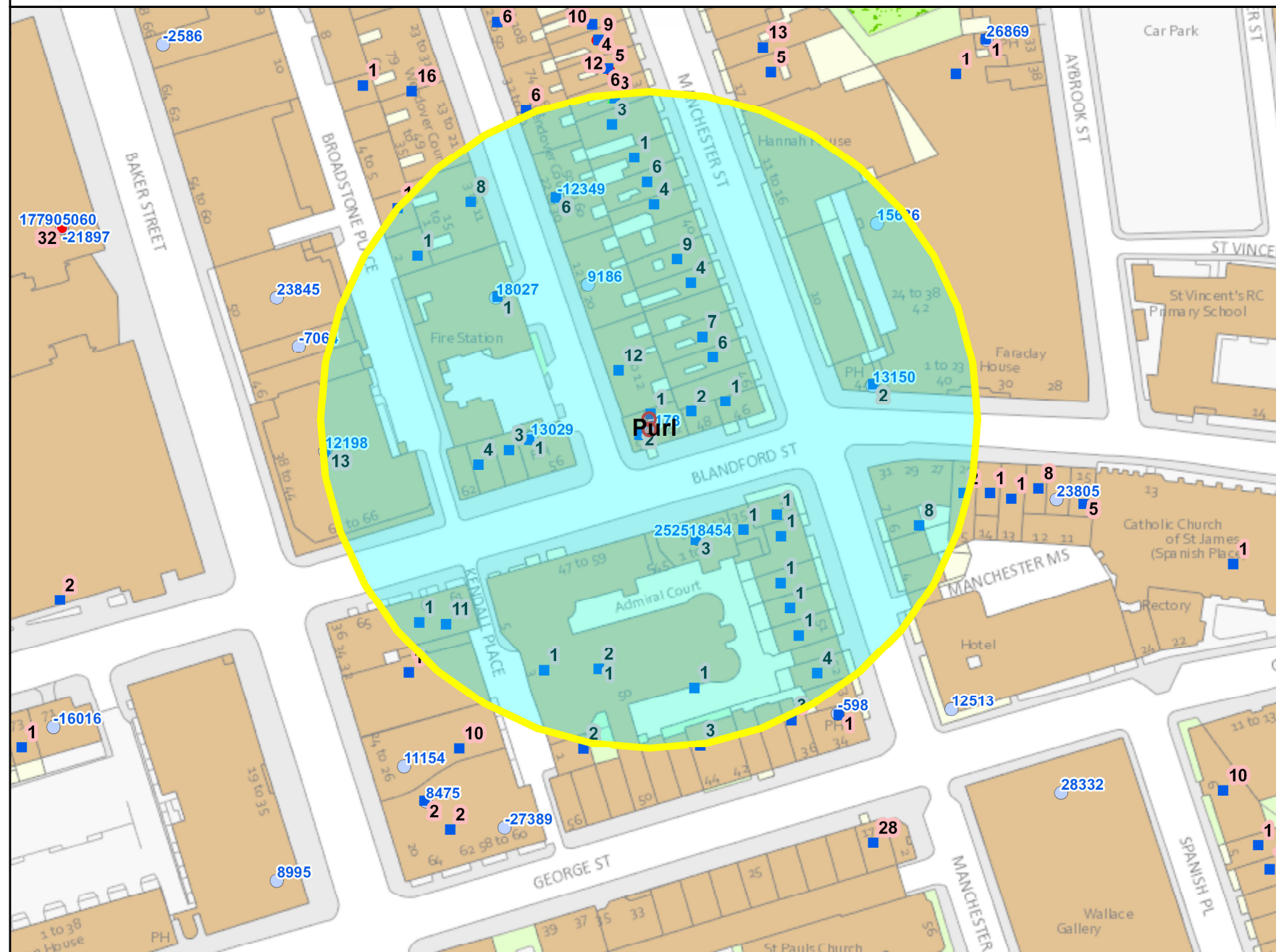
Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.



Purl, 50-4 Blandford Street, London



Residential / Proposed Residential	294
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

10
 Meters

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Data Source: Uniform Database
 Date: 07/03/2016

Premises within 75 metres of: Purl, 50-54 Blandford Street, London

p / n	Name of Premises	Premises Address	Opening Hours
25251	Il Baretto	43 Blandford Street London W1U 7HF	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
18027	The Chiltern Street Hotel	1 Chiltern Street London W1U 7PA	Monday to Sunday 00:00 - 00:00
13150	The Lincoln Inn	44 Blandford Street London W1U 7HS	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
13029	The Bok Bar	56 Blandford Street London W1U 7JA	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-178	Purl London	Basement 50-54 Blandford Street London W1U 7HX	Friday to Saturday 17:00 - 00:00 Sunday 17:00 - 22:30 Monday to Thursday 17:00 - 23:30
-12349	Cadenhead's Whisky Shop London	26 Chiltern Street London W1U 7QD	Monday 10:00 - 18:30 Saturday 10:00 - 18:30 Tuesday to Thursday 10:00 - 20:00 Friday 11:30 - 20:00
15636	Ten	Hotel 8-12 Manchester Street London	Monday to Sunday 00:00 - 00:00 Monday to Sunday 10:00 - 01:30
12198	Royal China Club	40-42 Baker Street London W1U 7AJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
9186	Monocle Cafe	18 Chiltern Street London W1U 7QA	Monday to Friday 07:00 - 20:00 Saturday 08:00 - 20:00 Sunday 09:00 - 19:00
8454	Il Baretto	43 Blandford Street London W1U 7HF	Sunday 10:00 - 23:00 Monday to Saturday 10:00 - 23:30